

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**LAZARO QUINONES-CEDENO,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:20-CV-50  
(GROH)**

**MS. JENNIFER RESH,  
MS. K. BANKSON, and  
PAUL ADAMS,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Now before the Court is a Report and Recommendation (“R&R”) filed by United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R on June 23, 2021. ECF No. 35. Therein, Magistrate Judge Trumble recommends that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice for failure to state a claim upon which relief can be granted. ECF No. 35 at 6.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a de novo review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of the Plaintiff’s right to appeal this Court’s Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour,

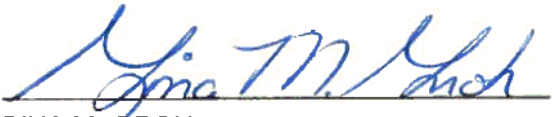
889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

The Plaintiff's objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Plaintiff by certified mail on June 23, 2021, tracking number 7021 0350 0001 8363 7851. ECF No. 35. According to USPS,<sup>1</sup> the R&R was delivered on June 28, 2021. To date, no objections have been filed.<sup>2</sup> Accordingly, this Court reviews the R&R for clear error.

Upon careful review and thoughtful consideration, the Court finds that Magistrate Judge Trumble's R&R [ECF No. 35] should be, and is hereby, **ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Complaint [ECF No. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE**.

This Court **ORDERS** that this matter be **STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the pro se Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

**DATED:** July 19, 2021

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See [www.usps.com](http://www.usps.com).

<sup>2</sup> On July 15, 2021, the Plaintiff filed a document titled, "Second Affidavit," which restated the facts alleged in his original complaint to provide "additional support to his argument alleging abuse of authority, discrimination and obstruction of justice." ECF No. 37. However, the document contains no objections to the findings and recommendations in the R&R.